

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the comments set forth fully below. Claims 1-22 were pending. Within the Office Action, Claims 1-22 have been rejected. By the above amendment, Claims 1, 5, 9, 16 and 20 have been amended and Claim 2 has been canceled. Accordingly, Claims 1 and 3-22 are now pending.

By the above amendments, certain amendments have been made to the specification. These amendments clarify the text and drawings as filed. No new matter has been added by these amendments.

Objections To The Claims

Within the Office Action, Claim 1 is objected to because the phrase “a hydrous and an anhydrous states” should be - - hydrous and anhydrous states - -. By the above amendment, Claim 1 has been so amended.

Rejections Under 35 U.S.C. § 112

Within the Office Action, Claims 5, 6, 9 and 20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, it is stated within the Office Action that there is insufficient antecedent basis for the limitation “the manpower cost” in Claims 5 and 20. By the above amendment, within the Claims 5 and 20, the phrase “the manpower cost” has been amended to the phrase “a manpower cost.”

Regarding, Claim 9, it is suggested within the Office Action that the phrase “for preventing bugs” should be amended to “for preventing insect encroachment.” This amendment has been made by the above amendment, per the Examiner’s suggestion.

Accordingly, Claims 5, 6, 9 and 20 do now particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,647,951 to Bayer (hereinafter referred to as “Bayer”) in view of U.S. Patent No. 2,787,238 to Luce (hereinafter referred to as “Luce”). Bayer discloses

an agricultural growth control device generally including an impermeable sheet and an organic, biodegradable top layer wherein the impermeable sheet is bonded to the underside of the biodegradable, organic top layer to thereby form a unitary ground collar for disposition around the base of a plant. The impermeable sheet and the biodegradable, organic top layer each include an opening aligned with each other to form a central hole through the collar.

The constitutions of the main body in Bayer and the present application are different. The agricultural growth control device of Bayer is at least constituted by an impermeable sheet and an organic, biodegradable top layer but the main body of the weed-preventing paper of the present application is only a paper body.

The function of the impermeable sheet in Bayer is to prevent the agricultural growth control device from deforming under the natural environment. However, such an impermeable sheet will increase the cost of the control device. In the present application, the weed-preventing paper could closely contact the planting media via the weight of the paper body itself and/or the weed-preventing agent and/or the water indicator uniformly coated/printed thereon for providing a uniform and continuous surface and thus preventing weed growth without an extra auxiliary element.

The structures of the opening of Bayer and the present application are also different. In Bayer's agricultural growth device, a central hole is formed by aligning the opening of the impermeable sheet with the opening of the organic, biodegradable top layer and has a circular, open shape. The hole generally has a diameter of $\frac{1}{2}$ to 3 inches and may be larger for disposing around large plants. The size of such an open-shape opening must vary as the plant size changes. If the opening is too large, it will increase the chances of weed growth and thus decrease the efficiency of weed prevention.

However, in the present application, the opening positioned in the paper body has a cross shape. Such a cross shape will always closely fit the stem size no matter what the plant size is and thus provide continuous protection.

The paper body of the weed-preventing paper in the present application includes two cross openings disposed on the same lateral crosscut passing therethrough. As described in the specification of the present application, the plant position may vary as the growth environment changes or the man-made planting varies and so on. Such a configuration of the cross openings of the present application may be applied to any deviation of the planting position of a plant. Bayer does not disclose multiple cross openings on the same lateral crosscut. The hole in Bayer's agricultural growth control device is an open hole. Such an open hole will increase the opportunity of weed growth and thus decrease the weed-preventing efficiency.

The feature of the water indicator is not disclosed in Bayer. The focus of the present invention is not only for weed control but also for water management. Bayer's agricultural growth control device does not disclose the usage of the water indicator for water management. As described in the specification of the present application, water management and watering the plant at a suitable time, have become big concerns for the plant owner. In the present application, the water indicator printed on the weed-preventing paper provides a convenient, efficient way to help with water management. There is no mention, suggestion or teaching of such a water indicator in Bayer.

The elements of the weed-preventing paper of the present invention are not only different from Bayer's agricultural growth control device, but also have more powerful functions. It is to be noted that there is a need felt by those skilled in the art, for a simple, convenient, efficient, non-pollutant and multi-function approach in the area of plant growth control. The weed-preventing paper of the present invention is directed not only to weed control but also to water management, which is not disclosed in Bayer.

Luce discloses a hygrometric indicator comprising a paper sheet zoned into a first area and a second area. The first area on the sheet has thereon a compound containing an anhydrous salt of a given color. Luce teaches that upon contacting with a predetermined amount of moisture, the anhydrous salt changes to a hydrated salt of a different color from that of the salt in its anhydrous form. The second area on the sheet has printed thereon an ink having the same color as one of the colors of the salt. Luce does not disclose the paper body having at least two cross openings, and a weed-preventing agent contained in the paper body.

Within the Office Action, it is asserted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayer to include a water indicator printed on a paper body, as taught by Luce, in order to detect a state of moisture. The applicants respectfully disagree.

It is to be noted, however, that citing references which merely indicate that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there should be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention. In Ex Parte Hiyamizu, 10 USPQ2d, 1393, 1394 (Board of Pat. App. & Inter., 1988)

There is no hint, teaching or suggestion in either Bayer or Luce to warrant their combination. Further, there is no hint, teaching or suggestion for incorporating a water indicator to the

agricultural growth control device of Bayer. Such a combination can only be reached using hindsight, based on the presently claimed invention.

Even if the combination of Bayer and Luce is considered proper, the presently claimed invention is distinguishable from the teachings of Bayer, Luce and their combination, for the reasons discussed above. Specifically, neither Bayer, Luce nor their combination teach a weed-preventing paper comprising a paper body having at least two cross openings, wherein said at least two cross openings have a lateral crosscut passing therethrough and extending to an edge of said paper body for facilitating said paper body to be mounted around a stem of said plant.

The independent Claim 1 is directed to a weed-preventing paper for cultivating a plant. The weed-preventing paper of Claim 1 comprises a paper body covering a surface of a soil where said plant is to be grown, and having at least two cross openings for said plant to pass therethrough, wherein said at least two cross openings have a lateral crosscut passing therethrough and extending to an edge of said paper body for facilitating said paper body to be mounted around a stem of said plant, a weed-preventing agent contained in said paper body for blocking light so as to prevent the growth of a weed surrounding said plant and a water indicator printed on said paper body and showing hydrous and anhydrous states thereof via different colors for being a reminder of watering. As discussed above, the combination of Bayer and Luce is not proper. As further discussed above, neither Bayer, Luce nor their combination teach a weed-preventing paper comprising a paper body having at least two cross openings, wherein said at least two cross openings have a lateral crosscut passing therethrough and extending to an edge of said paper body for facilitating said paper body to be mounted around a stem of said plant. For at least these reasons, the independent Claim 1 is allowable over the teachings of Bayer, Luce and their combination.

Claim 2 has been canceled by the above amendment. Claims 3-15 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Barry, Luce and their combination. Accordingly, Claims 3-15 are all also allowable as being dependent on an allowable base claim.

The independent Claim 16 is directed to a weed-preventing paper for cultivating a plant. The weed-preventing paper of Claim 16 comprises a paper body covering a surface of a soil where said plant is to be grown, and having at least two cross openings for said plant to pass therethrough, wherein said at least two cross openings have a lateral crosscut passing therethrough and extending to an edge of said paper body for facilitating said paper body to be mounted around a stem of said plant and a weed-preventing agent contained in said paper body for blocking light so as to prevent the growth of a weed surrounding said plant. As discussed

above, the combination of Bayer and Luce is not proper. As further discussed above, neither Bayer, Luce nor their combination teach a weed-preventing paper comprising a paper body having at least two cross openings, wherein said at least two cross openings have a lateral crosscut passing therethrough and extending to an edge of said paper body for facilitating said paper body to be mounted around a stem of said plant. For at least these reasons, the independent Claim 16 is allowable over the teachings of Bayer, Luce and their combination.

Claims 17-22 are dependent on the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Barry, Luce and their combination. Accordingly, Claims 17-22 are all also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 13, 15 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayer in view of Luce and further in view of U.S. Patent No. 5,191,734 to Weber et al. (hereinafter referred to as "Weber"). Claims 13 and 15 are dependent on the independent Claim 1. Claim 21 is dependent on the independent Claim 16. As discussed above, the independent Claims 1 and 16 are both allowable over the teachings of Barry, Luce and their combination. Accordingly, Claims 13, 15 and 21 are all also allowable as being dependent on an allowable base claim.

Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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